



APPLICATION

SPECIAL USE PERMIT

SPECIAL USE PERMIT # 2010-0078

PROPERTY LOCATION: 4536-4598 Eisenhower Avenue

TAX MAP REFERENCE: 69.01-01-08 **ZONE:** OCM (100)

APPLICANT: Claremont Investors, LLC by M. Catharine Puskar, Attorney

Name: _____

Address: 8391 Old Courthouse Road, Suite 320, Vienna, VA 22182

PROPOSED USE: Request to amend Condition #6 of approved SUP #2003-0118
regarding expiration date.

☒ **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

☐ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

By: M. Catharine Puskar, Attorney

Print Name of Applicant or Agent
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Blvd., Suite 1300

Mailing/Street Address
Arlington, VA 22201

City and State

Zip Code

M C Puskar
Signature

703-528-4700

Telephone #

cpuskar@arl.thelandlawyers.com

Email address

11/18/10
Date

703-525-3197

Fax #

ACTION-PLANNING COMMISSION:

DATE:

ACTION-CITY COUNCIL:

DATE:

PROPERTY OWNER'S AUTHORIZATION

N/A Owner is Applicant

As the property owner of _____, I hereby
 (Property Address)
 grant the applicant authorization to apply for the _____ use as
 (use)
 described in this application.

Name: _____ Phone: _____

Please Print

Address: _____ Email: _____

Signature: _____ Date: _____

- 1.** Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

- 2.** The applicant is the (check one):

☒ Owner

☐ Contract Purchaser

☐ Lessee or

☐ Other: _____ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent.

See Attached Disclosure Statement

OWNERSHIP AND DISCLOSURE STATEMENT

Use additional sheets if necessary

1. Applicant. State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.	No person or entity owns more than 10% of Claremont Investors, LLC.	
3.		

2. Property. State the name, address and percent of ownership of any person or entity owning an interest in the property located at 4536-4598 Eisenhower Avenue (address), unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. The term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

Name	Address	Percent of Ownership
1.		
2.	Same as Above	
3.		

3. Business or Financial Relationships. Each person or entity listed above (1 and 2), with an ownership interest in the applicant or in the subject property is required to disclose any business or financial relationship, as defined by Section 11-350 of the Zoning Ordinance, existing at the time of this application, or within the 12-month period prior to the submission of this application with any member of the Alexandria City Council, Planning Commission, Board of Zoning Appeals or either Boards of Architectural Review.

Name of person or entity	Relationship as defined by Section 11-350 of the Zoning Ordinance	Member of the Approving Body (i.e. City Council, Planning Commission, etc.)
1.		
2.	There are no business or financial relationships to be disclosed by the Applicant/Owner.	
3.		

NOTE: Business or financial relationships of the type described in Sec. 11-350 that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings.

As the applicant or the applicant's authorized agent, I hereby attest to the best of my ability that the information provided above is true and correct.

11/18/10
Date

M. Catharine Puskar
Printed Name


Signature

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☐ **Yes.** Provide proof of current City business license

N/A

☐ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

NARRATIVE DESCRIPTION

3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)

See Attached Narrative Description

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SUP 2010-0078

3. Narrative Description

Claremont Investors, LLC (the "Applicant") owns 4536-4598 Eisenhower Avenue (the "Property") and requests to amend Condition #6 associated with approved SUP #2003-0118 to extend the current expiration date of October 2018 an additional five (5) years to 2023.

By way of background, on September 8, 1994, the City Council (the "Council") approved SUP #2829 to allow a variety of nonconforming uses at 4536 to 4598 Eisenhower Avenue. On October 18, 2003, the Council approved SUP #2003-0080 for a change in ownership and an extension of umbrella SUP #2829. On February 27, 2004, the Director of the Department of Planning and Zoning approved SUP #2003-0118 for a change in ownership only. No other changes were proposed at that time and the applicable conditions now specify an expiration date of October 2018.

The Applicant has a number of leases that will expire before the SUP expiration date in 2018. In order to retain existing tenants and negotiate leases with prospective tenants, the Applicant requests extension of the expiration of the SUP to guarantee tenants that their uses will be permitted to operate. In particular, one of the existing tenants is seeking to enter into a new 10-year lease on the Property. This lease will allow the tenant to grow their business by expanding into a total of four (4) tenant bays. The tenant will need to make a considerable capital investment and a 10-year lease term will provide sufficient time to allow the tenant to recoup its investment. Additionally, given that lease negotiation typically occurs one (1) year prior to lease expiration, the extension of the SUP to 2023 will enable the Applicant to provide certainty to existing tenants that they are able to maintain their established business in Alexandria. Finally, the SUP extension will allow the Applicant to attract new tenants should vacancies occur. The Applicant proposes no change to the size of the buildings, site layout, permitted uses, or operations as approved by SUP #2003-0118.

USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):

☐ a new use requiring a special use permit,

☐ an expansion or change to an existing use without a special use permit,

☐ an expansion or change to an existing use with a special use permit,

☒ other. Please describe: _____ 5-year extension to expiration of SUP #2003-0118 _____

5. Please describe the capacity of the proposed use:

- A. How many patrons, clients, pupils and other such users do you expect?

Specify time period (i.e., day, hour, or shift). _____ Varies depending on tenant (no change).

- B. How many employees, staff and other personnel do you expect?

Specify time period (i.e., day, hour, or shift). _____ Varies depending on tenant (no change).

6. Please describe the proposed hours and days of operation of the proposed use:

Day:

Hours:

_____ Varies – up to 24 hours, 7 days a week (no change).

7. Please describe any potential noise emanating from the proposed use.

- A. Describe the noise levels anticipated from all mechanical equipment and patrons.

All maintenance activities conducted inside facility (no change).

- B. How will the noise be controlled?

N/A (no change).

8. Describe any potential odors emanating from the proposed use and plans to control them:

All venting will be done in conformance with City Code requirements (no change).

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Trash is the responsibility of the tenants and is contained in dumpsters provided by their

service companies (no change).

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

Varies by tenant (no change).

- C. How often will trash be collected?

Tenant pick up is usually one (1) to two (2) times per week (no change).

- D. How will you prevent littering on the property, streets and nearby properties?

The management company provides sweeping service twice a month and also on an as-needed basis (no change).

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Petroleum products – amount varies by use, but all to be disposed, stored, utilized in

compliance with applicable local, state, and federal regulations (no change).

11. Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☒ Yes. ☐ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

Applicant will comply with SUP and all applicable regulations. Varies (no change).

12. What methods are proposed to ensure the safety of nearby residents, employees and patrons?
The Applicant will comply with the SUP and applicable regulations (no change).

ALCOHOL SALES

13. A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☐ Yes ☒ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

PARKING AND ACCESS REQUIREMENTS

14. A. How many parking spaces of each type are provided for the proposed use:

70+ Standard spaces
 Compact spaces (No change).
4 Handicapped accessible spaces.
 Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (check one)

☒ on-site
☐ off-site

If the required parking will be located off-site, where will it be located?

N/A

PLEASE NOTE: Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ Parking reduction requested; see attached supplemental form

15. Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? None required (no change).

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where are off-street loading facilities located? N/A (no change).
- C. During what hours of the day do you expect loading/unloading operations to occur?
Varies (no change).
- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
Varies (no change)
16. Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
Yes (no change).

SITE CHARACTERISTICS

17. Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? N/A square feet.
18. What will the total area occupied by the proposed use be?
51,000 sq. ft. (existing) + _____ sq. ft. (addition if any) = 51,000 sq. ft. (total)
19. The proposed use is located in: (check one)
- ☐ a stand alone building
 - ☐ a house located in a residential zone
 - ☒ a warehouse
 - ☐ a shopping center. Please provide name of the center: _____
 - ☐ an office building. Please provide name of the building: _____
 - ☐ other. Please describe: _____

End of Application



APPLICATION - SUPPLEMENTAL

AUTOMOBILE-ORIENTED USES

Supplemental information to be completed by applicants requesting special use permit approval of an automobile-oriented use (e.g., automobile repair garage, car wash, auto or trailer sales).

1. What type of automobile oriented use do you propose?

- ☐ automobile or motor vehicle parking or storage lot.
☐ automobile or trailer rental or sales.
☐ automobile service station.
☐ automobile repair, including car wash.
☒ other: General automobile repair and light automobile repair.

2. What types of repairs do you propose to perform?

General and light motor vehicle repair in conformance with the approved SUP (no change).

3. How many of each of the following will be provided?

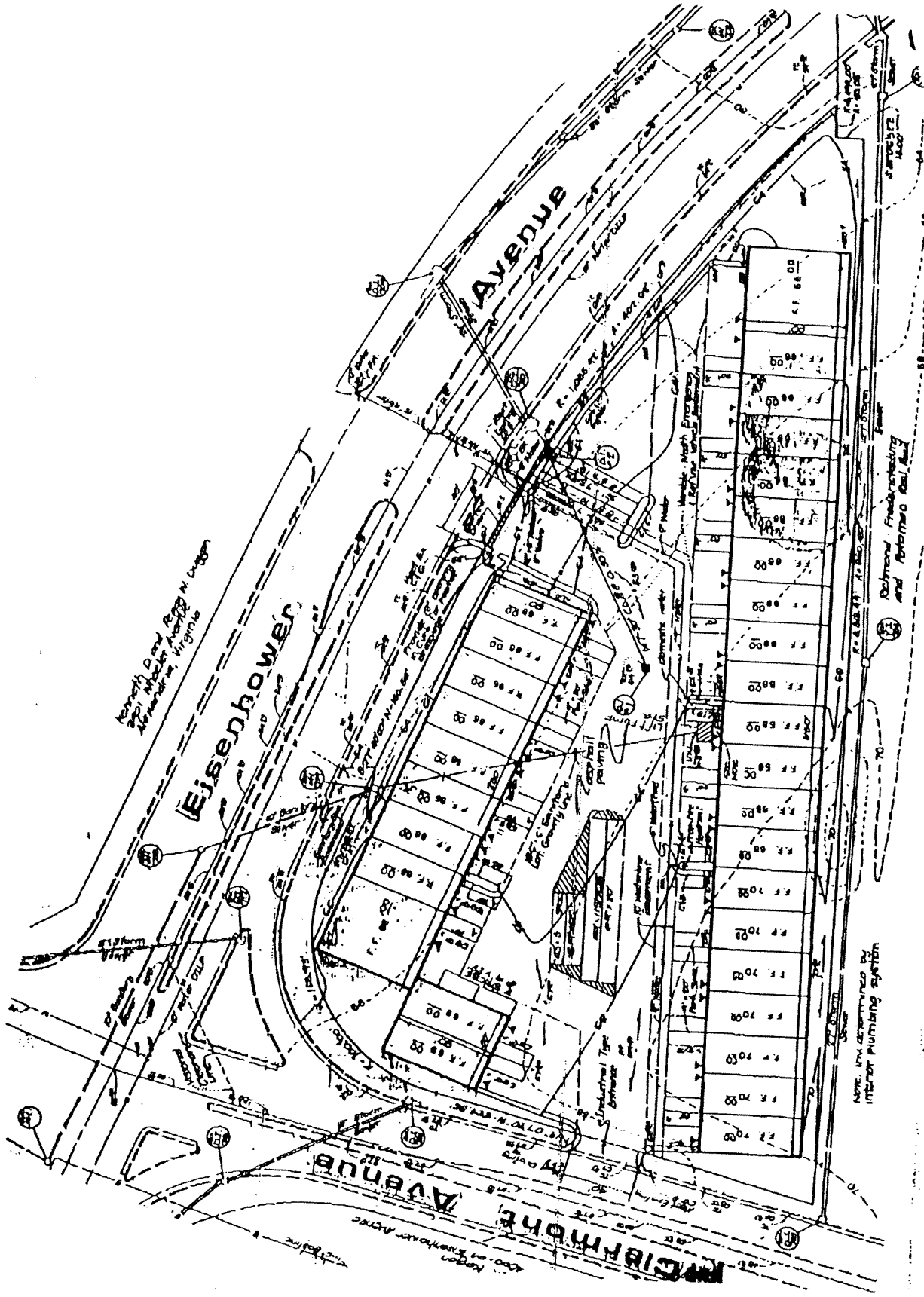
6 hydraulic lifts or racks
 service pits (No change).
 1 service bays

4. How many vehicles will be parked on-site at any one time. Please provide information on the type (i.e., for sale, customers, employees, or repairs)?

During the day, during normal business hours, the parking lot is approximately 90% occupied by vehicles. Vehicles belong to customers and employees. (No change).

5. Will a loudspeaker or intercom system be used outside of the building? Yes ☐ No ☒

Please note: All repair work must occur within an enclosed building. (No change).



SUP 2010-0078

CLAREMONT BUSINESS CENTER

Alexandria, Virginia

<u>UNIT</u>	<u>SQUARE FOOTAGE</u>	<u>TENANT</u>
4536-4538	5,100	Telecard Network, Inc.
4540	1,500	HP Mopeds
4542	1,500	Kiwi Kuisine
4544	1,500	Dave's Floors
4546	1,500	Telecard Network, Inc.
4548	1,500	BKY Electric Company
4550	1,500	Kiwi Kuisine
4552	1,500	Farsh, Inc.
4554	1,500	Available
4556-4558	3,000	Benz Elite, Inc.
4560	1,500	Valcourt Building Services
4562	1,500	Auto Glass Outfitters
4564	1,500	Available
4566-4572	6,000	Somerset Landscaping Company
4574	3,000	Roverland 4x4 Expansion
4580-4582	4,500	Panorama Baking Company
4584	1,500	Metropolitan Electric Motor
4586	1,500	Panorama Baking Company
4588-4590	3,000	Roverland 4x4 Expansion
4592	1,500	BK Catering
4594	3,000	Northeast Contracting Corp.
4596-4598	3,000	Beltway Discount Tires

DATE: February 27, 2004

TO: Barbara Ross, Deputy Director
Department of Planning and Zoning

FROM: Bettina Irps, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2003-0118
Administrative Review for Change of Ownership
Site Use: Variety of uses (light industrial, office, auto repair, warehouse etc.) As
set forth in umbrella SUP 2003-0080
Applicant: Claremont Investors, LLC, by M. Catharine Puskar
Location: 4536-4598 Eisenhower Avenue

On September 17, 1994, City Council granted Special Use Permit #2829 to Claremont Associates Limited Partnership to allow a variety of future noncomplying and special uses as a group (light industrial, office, auto repair, warehouse etc.). On October 18, 2003, City Council granted Special Use Permit #2003-0080 to change the ownership to Exxon Mobil Corporation and to allow an extension of the umbrella special use permit amending Condition #6 to extend the review requirement for an additional 15 years. The current request, Special Use Permit #2003-0118, is to change the ownership of the existing Claremont Business Center to Claremont Investors, LLC.

On December 31, 2003, Planning and Zoning staff visited the subject property and found no violations of the conditions of Special Use Permit #2003-0080. Staff has not received any complaints from residents or adjacent businesses that would require staff to docket the special use permit for public hearing.

Staff recommends that the special use permit for change in ownership be granted.

I. ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING

Date: February 27, 2004
Action: Approved

Staff: Bettina Irps, Urban Planner.

Attachments: Application for SUP #2003-0118

SUP #2003-0118
Site address: 4536-4598 Eisenhower Ave.

II. CONDITIONS OF SPECIAL USE PERMIT

Note: Conditions brought forward from SUP#2003-0080

1. The special use permit shall be granted to the applicant only or any business entity in which the applicant has a controlling interest. (P&Z) (SUP#2829)
2. The following uses are permitted on the subject property:
(P&Z) (SUP#2829)
 - Light automobile repair
 - Carpenter shop and repair services
 - Wholesale business
 - Bakery
 - Warehouse and storage
 - Building materials storage and sales
 - Machine shop
 - Pet supplies, grooming and training, with
no overnight accommodations
 - Printing and publishing facilities
 - Sheet metal shop
 - Convenience store
 - General automobile repair
 - Catering operation
 - Private school
 - Research and testing
 - Social service use
3. No single tenant may occupy more than 25 percent of the total floor area of the subject building space, or 12,750 square feet, for one of the above uses. (P&Z) (SUP#2829)
4. This approval is valid as long as the existing buildings remain unchanged. A "change" of the existing buildings sufficient to invalidate this approval is one that requires a site plan under section 11-403 of the zoning ordinance. (P&Z) (SUP#2829)

SUP #2003-0118
Site address: 4536-4598 Eisenhower Ave.

5. Any motor vehicle repair operation shall comply with the following conditions: (P&Z) (SUP #2003-0080)
 - A. All vehicles stored on the property shall be parked in a neat and orderly fashion at all times.
 - B. All repair work shall be done inside the building and none shall be done outside.
 - C. No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.
 - D. No vehicles shall be displayed, parked, or stored on a public right-of-way.
 - E. The area around the garage shall be kept free of debris and maintained in an orderly and clean condition.
 - F. No vehicles shall be loaded or unloaded on the public right-of-way.
 - G. No debris or vehicle parts shall be discarded on the public right-of-way.
 - H. All loudspeakers shall be prohibited from the exterior of the buildings and no amplified mechanical sound shall be audible at the property line. (T&ES)
 - I. All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground. (T&ES)
 - J. The applicant shall comply with the City of Alexandria Best Management practices manual for automotive related industries. A copy can be obtained by contacting the Division of Environmental Quality at 703-519-3400 ext. 166. (T&ES)
 - K. No material shall be disposed of by venting into the atmosphere. (T&ES)
 - L. No paint or coatings shall be applied outside of a paint spray booth. (T&ES)
6. This special use permit shall be reviewed fifteen years from the date of approval by City Council or in October, 2018. (P&Z) (SUP #2003-0080)

SUP #2003-0118

Site address: 4536-4598 Eisenhower Ave.

7. The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP #2003-0080)
8. Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. (T&ES) (SUP #2003-0080)
9. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business and a robbery awareness program for all employees. (Police) (SUP #2003-0080)
10. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (T&ES) (SUP #2003-0080)
11. The applicant shall continue to maintain the landscaping, parking lot, and buildings in good condition and to the satisfaction of the Director of Planning and Zoning. (P&Z) (SUP #2003-0080)
12. The Director of Planning and Zoning shall review the special use permit one year after approval and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions, (b) the director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation, or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP #2003-0080)
13. **CONDITION ADDED BY STAFF:** The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained. (Police)

Staff Note: No use shall be permitted to occupy the subject site unless it can demonstrate compliance with the parking requirements of Article VIII of the zoning ordinance.

In accordance with section 11-506(c) of the zoning ordinance, construction or operation shall be commenced and diligently and substantially pursued within 18 months of the date of granting of a special use permit by City Council or the special use permit shall become void.

SUP #2003-0118
Site address: 4536-4598 Eisenhower Ave.

III. CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services.
- R-2 All loudspeakers shall be prohibited from the exterior of the buildings and no amplified sound shall be audible at the property line.
- R-3 All waste products including but not limited to organic compounds (solvents), motor oil, compressor lubricant and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and not be discharged to the sanitary or storm sewers or be discharged onto the ground.
- R-4 The applicant shall comply with the City of Alexandria Best Management practices manual for automotive related industries. A copy can be obtained by contacting the Division of Environmental Quality at 703-519-3400 ext. 166.
- R-5 That no material be disposed of by venting into the atmosphere.
- R-6 No paint or coatings shall be applied outside of a paint spray booth.
- R-7 Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers.
- C-1 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

Code Enforcement:

- F-1 No comments.

Health Department:

- F-1 No comments.

SUP #2003-0118
Site address: 4536-4598 Eisenhower Ave.

Police Department:

- R-1 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for the business.
- R-2 The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a robbery awareness program for all employees.
- R-3 The lighting for the parking lot is to be a minimum of 2.0 foot candles minimum maintained.
- R-4 The applicant is not applying for a A.B.C. permit. The Police Department concurs with this.